

# **RECORDS MANAGEMENT – RECORDS RETENTION & DISPOSITION**

This training does not constitute a legal opinion or legal advice on the part of the Library, Archives and Public Records Branch, of the Secretary Of State.

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# ARCHIVES, RECORDS MANAGEMENT, AND ARIZONA CAPITOL MUSEUM AS A STATE AGENCY



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# LAPR WEBSITE

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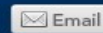
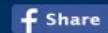




# RECORDS MANAGEMENT CENTER WEBSITE

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## Archives and Records Management

The State Archives, located in the Polly Rosenbaum Archives and History Building, collects preserves and makes available to the public and all branches of government, permanent public records, historical manuscripts, photographs and other materials that contribute to the understanding of Arizona history. The Records Management Center administers the management of public records throughout state and local government in Arizona.



**Archival Research Materials**

### Archives and Records Management

[Research at the Archives](#)

[Records Center Services](#)

[Retention Schedules, Standards, Forms and Guidance](#)

[Accessing Arizona Public Records](#)

[Conservation, Disaster Preparedness and Emergency Recovery](#)

[Programs, Training, and Presentations](#)

[Archives and Records Management Policies](#)

[Contact the State Archives and Records Management Center](#)

### We're here to help

Arizona State Archives  
602-926-3720  
[Email](#)

Records Management  
602-926-3815  
[Email](#)

# **ALL RECORDS MANAGEMENT IN ARIZONA IS GOVERNED BY ARIZONA REVISED STATUTES (ARS)**

- In Arizona, **everything that we do** in Records Management is governed by Arizona Revised Statutes (ARS).
- The ARS that govern Records Management are:  
    **§ 41-151.14 – §41-151.19**  
    **and**  
    **Portions of §39-101 – §39-128**
- The purpose of this training today is to discuss the management of electronic records.

# WHAT IS A “RECORD”

## 41-151.18. Definition of records

In this article, unless the context otherwise requires:

- **"records"** means all books, papers, maps, photographs or other documentary materials,
- **Regardless of physical form or characteristics**, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-151.16,
- **Made or received by any governmental agency** in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor
- **As evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the record**, and includes records that are made confidential by statute.

# WHAT IS NOT A RECORD

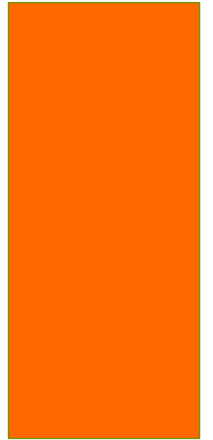
## 41-151.18. Definition of records - continued

Not included within the definition of records as used in this article:

- **Library or museum material** made or acquired solely for reference or exhibition purposes,
- **extra copies of documents preserved only for convenience of reference**
- **and stocks of publications or documents intended for sale or distribution to interested persons**



# **PRINCIPLES OF RECORDS MANAGEMENT**



# RESPONSIBILITIES OF PUBLIC BODIES IN ARIZONA #5 – RECORDS MANAGEMENT DEFINED

41-151.14. State and local public records management; violation; classification; definition

D. "records management" means the **creation and implementation** of systematic controls for records and information activities from the point where they are created or received through final disposition or archival retention, including **distribution, use, storage, retrieval, protection and preservation.**

# **RECORDS MANAGEMENT . . .**

**. . . is a program designed to help you by having the right information at the right time at the right place for the right price.**

# TWO (2) RECORDS MGMT “SELF-EVIDENT” TRUTHS

As long as you are required to retain / keep / hold onto records:

- those records need to be **useable and readable**
  - Obsolete media, format, system
  - Back-up tapes that cannot be read

Why keep information that cannot be used?

- those records need to be **available and accessible**
  - Open to PRR, litigation, audits, government investigations
  - No hidden data warehouses / data archives

Why hide information from the public / colleagues?

# BENEFITS OF A GOOD RM PROGRAM

The **benefits** of having a **good Records Management Program** in place:

## **Financial Benefits:**

- Save money and resources previously being spent on storing records  
(physical floor space, server space, off-site storage):
  - That don't need to be stored (copies, short-term, transitory, etc.)
  - That aren't records (copies and personal) – and can be destroyed
  - That have passed their retention period - and can be destroyed
- Save money and resources for records no longer needed:
  - spent in searching for, retrieving, copying, producing or redacting records in response to requests

## **Risk Management Benefits:**

- Keeping records LONGER than the retention period is a risk
- If you have the information, you need to provide it for Public Records Request, Audit, Investigation, Litigation
- If you don't have the information because you destroyed it per a Retention Schedule, you are legally OK.



# LIFE CYCLE OF A RECORD

## Creation

### Useful Life --

**Active:** storage on-site or active servers

**Inactive:** Storage off-site or off-line

## Disposition

# **WHAT ARE OUR RECORDS MANAGEMENT RESPONSIBILITIES AS CUSTODIANS OF RECORDS?**

- Security of information while in our custody
- Retention for A SPECIFIC time period per an approved Retention Schedule (General or Custom)
- Preservation of Records in our custody:
  - Carefully protect and preserve the records from deterioration, mutilation, loss or destruction
  - Shall cause them to be properly repaired and renovated.

# THE FOUR (4) HORSEMEN OF THE RECS. MGMT. APOCALYPSE - WATER DAMAGE, MOLD, FIRE AND TERMITES?

You are not alone in the event of an records emergency – it will just FEEL that way in the beginning.

## Water Damage Resource:

- See the following Standard Operational Procedure (SOP) and Forms from the RMC website:
- [http://www.azlibrary.gov/records/Standards\\_and\\_Guidelines.aspx](http://www.azlibrary.gov/records/Standards_and_Guidelines.aspx)

## Mold Damage Resource:

See the Northeast Document Conservation Center for a Mold resources:

<http://www.nedcc.org/free-resources/preservation-leaflets/3.-emergency-management/3.8-emergency-salvage-of-moldy-books-and-paper>

## Termites, Fire and Vandalism Damages Resource:

See the Northeast Document Conservation Center for a Termite / Pest resources:

<http://www.nedcc.org/free-resources/preservation-leaflets/3.-emergency-management/3.1-protection-from-loss-water-and-fire-damage,-biological-agents,-theft,-and-vandalism>

# BASIC DEFINITIONS OF RECORDS MANAGEMENT

## Retention Schedule –

- Are simply **timetables**, composed of records series and retention periods, that identify the length of time records **must be kept prior** to final disposition (destruction or historical archiving).

## Records Series –

- A group of like records that are filed together and treated as a unit for records management purposes.
- A records series may consist of many separate files, but it is treated as a single unit for all purposes relating to records retention.
- A familiar example is “personnel files” one of which exists for every employee in the organization. Even though there may be hundreds or thousands of these files, they are referred to as a records series – “personnel files” - for records retention purposes

## Retention Period –

- The approved, legal, minimum amount of time each specific records series **shall** be kept. It is **illegal** to keep a records series for LESS than the retention period

# BASIC DEFINITIONS OF GOVERNMENT ENTITIES

## State Agencies –

- Term specifically applying to State Agencies, Boards and Commissions. A good breakdown of all State Agencies can be found on the AZ.GOV website

## Local Agencies –

- Term applies to public bodies that are NOT State Agencies: **Community Colleges, Counties, Fire Districts, Municipalities, School Districts and Charter Schools, and Special Districts**

## All Public Bodies –

- Term applies to the **combination of State Agencies and Local Agencies** (See §ARS 39-121.01)



# TWO TYPES OF RETENTION SCHEDULES

## General Records Retention Schedules

- General schedules are comprised of record series that are **common to all** State and Local Agencies (public bodies).
- A general schedule is developed to **cover all the like offices and records groups** in State and Local Agencies.
- The general retention schedules **ensure consistent and standardized retention periods** for similar record series from various agencies.

## Custom Records Retention Schedules

- Custom Schedules are **created for one specific public body**, and covers **records series that are unique** to that particular public body
- OR, cover a **retention period that is different** from the General Schedule(s) and **applies only to one specific public body**

# 3 MAIN PARTS OF A RETENTION SCHEDULE

- Name and then Describe the record series –  
(Includes the following...)
- **Retention Period** –
  - State the specific minimum length of time each record series needs to be kept
- May Provide Instructions for cutoff, retirement and / or final disposition of the records series

# SETTING A CUT-OFF POINT

- It is the point from which retention periods are calculated. Often called the “**trigger**” for when retention begins
- It is also the basis upon which records are transferred to inactive storage. (Move from **Active** to **Inactive records**)
- Two of the more common cut-off points
  - **Time based:** such as "after the calendar year (CY) received" or "after the fiscal year (FY) created."
  - **Event based:** such as "after project is closed" or "after date of termination of employment"

# EXAMPLE OF RETENTION SCHEDULE

- **Records Series Number:** 12.
- **Records Title and Description:** Employee Personnel Records
- (for full-time, part-time, contract, seasonal, interns, volunteer, appointed, or elected positions. Including applications, resumes, performance reviews, disciplinary records, records documenting employee pay decisions, loyalty oaths and oaths of office, conflict of interest and personal interest disclosure records, confidentiality agreements, policy acknowledgements, exit interviews, drivers' qualifications, training, and p re-employment background check records, but not including criminal history information records.)
- **Cut-off Point and Retention Period:**
  - a. **Official copy**..... 5 years after employee terminated
  - b. **Supervisors' and other non official copies**... 6 months after employee terminated or transferred
  - c. **Contract Employees**..... 6 years after contract expired canceled or revoked

# WHY WE REVISE / UPDATE RETENTION SCHEDULES

- **New records series are created**
  - Series overlooked in inventory
  - Series resulting from new programs or responsibilities
- **Need to revise current Retention Schedules**
  - Inadequate retention periods - increase or decrease
  - Lack of clarity in the records series or the retention period
- **Need to review Retention Schedules for revision every year or two**



# SCHEDULED RECORDS VS. UNSCHEDULED RECORDS

## Scheduled records series

- These are records series that have been placed on an approved Retention Schedule, have an assigned retention period, and can be destroyed by following a General or Custom Schedule

## Unscheduled records series

- These are records series that have NEVER been placed on an approved Schedule
- Have NEVER been assigned a retention period,
- **CANNOT be destroyed** UNTIL
  - they are **placed on** an approved schedule,
  - OR,
  - approved for destruction via **completing and submitting** to the LAPR – RMC the **following form**: Pre-approval for Unscheduled Records Disposition

# WHAT AND WHY OF A RECORDS INVENTORY?

## What is a Records Inventory:

- The records inventory **identifies and quantifies the records created and received by an agency.**
- The inventory is the **first step in the development of a public body's records program**
- Becomes the **working document for records retention and disposition schedules, file plans and essential records programs.**
- Simply defined, the records inventory is **a list of each record series, together with an indication of where it is located and other pertinent data.**
- The inventory is **NOT:**
  - A document by document listing
  - A folder by folder listing

## Why create a Records Inventory:

- **The first step in developing records retention and disposition schedules**
- **Is the foundation to determining what records exist in an public body.**

# METHODS OF TAKING A RECORDS INVENTORY

## Three methods of taking an inventory:

- Questionnaire
- Consultation
- Physical Inventory

For more detailed information on Records Inventories, please refer to the following from the RMC Website:

- [http://www.azlibrary.gov/records/Standards\\_and\\_Guidelines.aspx](http://www.azlibrary.gov/records/Standards_and_Guidelines.aspx)
- Look for: Tip Sheets
- Then look for: Records Inventory

# RECORDS APPRAISAL

- Retention periods are based on:
  - Statute
  - Historic = Permanent
  - Business need for record
- Records appraisal is the process used to determine the value of a record series
- The value of the records series determines the retention period for the records series
- All records have value to the organization creating or receiving them
- Some records have permanent value and warrant preservation by an archives

# FOUR (4) MAIN VALUES OF RECORDS

- **Legal**
  - Retention periods are among the longest for these records
- **Fiscal**
  - Retention is based on audit cycle
- **Administrative**
  - Retention is open-ended based upon your need for these records, or the reference value of these records
- **Historic**
  - These are the only records that have a PERMANENT retention period. Permanent records = 500 + years of retention



# LEGAL VALUE

Specific legal requirements to keep records for a given period of time can be found in the Arizona Revised Statutes (ARS), United States Code (USC), and Code of Federal Regulations (CFR)

Examples of Records with Legal Value:

- Contracts
- Agreements
- Federal or state statutory or regulatory requirements

# FISCAL VALUE

Sometimes a record may be needed to document the audit trail of monies. These requirements may or may not be legislated or regulated

Examples of Records with Fiscal Value:

- Budget records
- Expenditure ledgers
- Credit card reports

# ADMINISTRATIVE VALUE

Records with administrative value are those records that are needed to conduct an office's daily business. These records are common across all types of offices and public bodies

Examples of Records with Administrative Value:

- Procedure manuals
- Retention schedule
- Memos
- Reports

# HISTORIC VALUE

- Records with historical value document the history of the government and the community.
- Any record series listed as permanent on a general retention schedule **should be transferred to the State Archives** after the records become inactive and when the agency or political subdivision no longer wishes to maintain those records. You can reach the State Archives at 602-926-3720 or 800-228-4710 to discuss the transfer of the records.

## Examples of Records with Historic Value:

- Governors' papers
- Wills, land records, and marriage records
- Directors' correspondences
- Agency histories

# DEFINITION OF HISTORIC RECORD

If a record is **historic or historically significant**, it is a permanent record. Records are deemed **historic or historically significant** when they:

- Document a controversial issue
- Document a program, project, event or issue that results in a significant change that affects the local community, city, county or state
- Document a program, project, event or issue that involves prominent people, places or events
- Document a program, project, event or issue that resulted in media attention locally, statewide or nationally

# PERMANENT RECORDS ARE UNIQUE AND MUST BE RETAINED IN SPECIFIC FORMATS

## ARS §39-101 – Defines a Permanent Record

- A. Permanent public records...shall be transcribed or kept **on paper or other material which is of durable or permanent quality**
- and which **conforms to standards established** by the director of the Arizona state library, archives and public records.
- B. Permanent public records transcribed or kept as provided in subsection A **shall be stored and maintained according to standards for the storage** of permanent public records established by the director of the Arizona state library, archives and public records.
- C. A public officer charged with transcribing or keeping such public records **who violates this section is guilty** of a class 2 misdemeanor.
- **Standards for Permanent Records** are located on the RMC website:
- **<http://www.azlibrary.gov/archives/documents/pdf/Standard%20for%20Permanent%20Records>** **April%2023%202013 Signed.pdf**



# ROLE OF INFORMATION TECHNOLOGY (I.T.) IN RM

## How Your Information Technology Department Can Assist You in Records Management

- Understand State or Local Agency's Retention Schedules, and how retention periods apply equally to paper and electronic records, regardless of where the records are stored.
- Take steps to manage e-records OR assist with e-records
- Program databases to facilitate responding to public record requests
- Maintain an inventory of all places e-records may be stored: smart phones / devices, servers, individual computer hard drives, shared drives, personal drives, removable storage media, personal digital assistants, home computers

# TIME TO DISPOSE OF RECORDS

- **What do I do when my Records Retention Schedule says it is time to destroy records?**
- Check with others (record creator, record user(s), Risk Management and your Legal departments) and see if there is pending or imminent litigation
- Check and see if there is an on-going or imminent audit
- Check and see if there is a government investigation

# CHOOSING THE METHOD FOR RECORDS DESTRUCTION

**Do the records contain ANY confidential Information?**

If the answer is **NO** --

These are the ways to destroy these records:

- Recycle
- Landfill

If the answer is **YES** –

More care must be taken with these records. They can be destroyed the following ways:

- Secure Shredding

**Why the difference for Confidential Information?**

- See ARS *ARS §44-7601*

# THE RECORDS HAVE BEEN DESTROYED AFTER THE END OF THEIR RETENTION PERIOD. NOW WHAT?

If Records were destroyed based upon the retention period in an approved Retention Schedule, then -

- No approval is needed from LAPR **BEFORE** destroying records.
- After records have been destroyed based upon an approved Retention Schedule and retention period – Complete and Send to the RMC – LAPR the following form:
- Certificate of Records Destruction
- Certificates of Records Destruction MUST be filed at least once annually
- Certificates of Records Destruction are Located on the RMC website:
- <http://www.azlibrary.gov/records/documents/forms/Certificate%20of%20Records%20Destruction%208.2013.pdf>

# **THE RECORDS HAVE BEEN ACCIDENTALLY AND PREMATURELY DESTROYED. NOW WHAT?**

**If Records were destroyed BEFORE the retention period in an approved Retention Schedule, then -**

- Complete and Send to the RMC – LAPR the following form:
- Notice of Destruction Prior to Records Disposition Date
- This Form is used if records are accidentally destroyed,
- OR if records are destroyed beyond repair by water damage, mold or termites
- Notice of Destruction Prior to Records Disposition Date form are located on the RMC website:
- <http://www.azlibrary.gov/records/documents/forms/Notice%20of%20Destruction%20Prior%20to%20Records%20Disposition.pdf>

# THE RECORDS NEED TO BE DESTROYED, BUT THEY ARE NOT ON A RETENTION SCHEDULE. NOW WHAT?

If Records are **NOT** listed on an approved Retention Schedule, they are considered to be Unscheduled Records and cannot be destroyed **Until** -

- You FIRST Complete and Send to the RMC – LAPR the following form:
- Pre-Approval for Unscheduled Records Disposition
- The Pre-Approval Form will then be reviewed by the RMC and a retention period determined for the unscheduled records
- The RMC will then return the Pre-Approval Form to you with instructions to further retain the records until the end of the retention period just created
- OR, provide approval for you to destroy the unscheduled records
- Pre-Approval for Unscheduled Records Disposition forms are located on the RMC website:
- <http://www.azlibrary.gov/records/documents/forms/Pre-approval%20for%20Unscheduled%20Records%20Disposition.pdf>



# NON-RECORD COPIES ...

- ...Should be destroyed in a timely manner.
- ...They should never be kept longer than the official copy.
- ...If copies are kept LONGER than the official record, then the copy is no longer a copy and BECOMES the Official Record.

# HELPFUL CONTACTS

**Records Management Center (LAPR):**

<http://www.azlibrary.gov/records/>

Phone: 602-926-3815

[records@azlibrary.gov](mailto:records@azlibrary.gov)

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**Dr. Ted Hale:**

[thale@azlibrary.gov](mailto:thale@azlibrary.gov)

Phone: 602-926-3720

Toll Free: 1-800-228-4710 (Arizona only)

**State Ombudsman's Office**

<http://www.azleg.gov/ombudsman/default.asp>

**State Attorney General – Public Records Publication**

<https://www.azag.gov/sites/default/files/sites/all/docs/agency-handbook/ch06.pdf>

**AIIM – Global Community of Information Professionals**

<http://www.aiim.org/>

**ARMA International:**

<http://www.arma.org/>

**Institute of Certified Records Managers (ICRM):**

<http://www.icrm.org/>

**National Archives and Records Management (NARA):**

<http://www.archives.gov/records-mgmt/>

**National Association of Government Archivists and Records Administrators (NAGARA):**

<http://www.nagara.org/index.cfm>